

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN CIVIL LIBERTIES UNION, et al.,

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION,
et al.,

Defendants.

Civil Action No. 05-CV-1004

EXHIBIT J



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

May 25, 2005

Ms. Ann Beeson
American Civil Liberties Union
18th Floor
125 Broad Street
New York, NY 1004-2400

Request Nos: 1010242, 1010243, 1010245,
1010246, 1010248

Dear Ms. Beeson:

This is in reference to your letter dated December 2, 2004, directed to FBI Headquarters in which you requested expedited processing for the above-referenced Freedom of Information requests.

You have requested expedited processing of your request pursuant to the Department's standard permitting expedition for requests involving "[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information." 28 C.F. R. § 16.5 (d) (1)(ii). Based on the information you have provided, I cannot find that there is a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activity generally. Additionally, the primary activity of the American Civil Liberties Union is not information dissemination, which is required for a requester to qualify for expedited processing under this standard. You have also requested expedited processing of your request pursuant to the Department's standard permitting expedition for requests involving "[a] matter of widespread and exceptional media interest in which there exists possible questions about the government's integrity which affect public confidence." 28 C.F. R. § 16.5 (d) (1)(iv). Pursuant to Department policy, we forwarded your request to the Director of Public Affairs, who makes the decision whether to grant or deny expedited processing under this standard. See *id.* § 16.5(d)(2). The Director of Public Affairs did not detect "widespread and exceptional media interest," nor questions concerning the government's integrity regarding the issues raised in your request, and therefore, has denied your request for expedited processing. Accordingly, your requests have been placed in our regular processing queue.

With respect to the portion of your letter seeking a waiver of the customary fees, we will make a decision once our records search is completed. You will be notified of any applicable fees prior to the processing of any responsive records.

COPIES TO MSU

Ms. Ann Beeson

If you are not satisfied with the denial of your request for expedited processing, you may administratively appeal by writing to the Co-Director, Office of Information and Privacy, United States Department of Justice, Flag Building, Suite 570, Washington, D. C. 20530-0001, within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely yours,

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

1 - Alina Semo, OGC